

Memorandum

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: June 27-28, 2012

Reference No: 2.4b.
Action Item

From: NORMA ORTEGA
Chief Financial Officer

Prepared by: Mark Weaver
Acting Chief
Division of Right of Way and
Land Surveys

Subject: **RESOLUTIONS OF NECESSITY**

RECOMMENDATION:

The California Department of Transportation (Department) recommends the California Transportation Commission (Commission) adopt Resolutions of Necessity (Resolution) C-20825, C-20868, and C-20878 through C-20890 summarized on the following pages.

ISSUE:

Prior to initiating Eminent Domain proceedings to acquire needed right of way for a programmed project, the Commission must first adopt a resolution stipulating specific findings identified under Section 1245.230 of the Code of Civil Procedure.

Moreover, for each of the proposed Resolutions, the property owners are not contesting the following findings contained in Section 1245.230 of the Code of Civil Procedure:

1. The public interest and necessity require the proposed project.
2. The proposed project is planned and located in a manner that will be most compatible with the greatest public good and the least private injury.
3. This property is necessary for the proposed project.
4. An offer to purchase the property in compliance with Government Code Section 7267.2 has been made to the owner of record.

The only remaining issues with the property owners are related to compensation.

BACKGROUND:

Discussions have taken place with the owners, each of whom have been offered the full amount of the Department's appraisal and, where applicable, advised of any relocation assistance benefits to which the owners may subsequently be entitled. Adoption of the Resolutions will not interrupt our efforts to secure equitable settlement. In accordance with statutory requirements, each owner has been advised that the Department is requesting the Resolution at this time. Adoption will assist the Department in the continuation of the orderly sequence of events required to meet construction schedules.

C-20825 - Michael A. Givens, et al.

07-LA-5-PM 6.1 - Parcel 79993-1, 2, 01-01 - EA 215959.

Right of Way Certification (RWC) Date: 01/04/13; Ready to List (RTL) Date: 01/18/13.

Freeway - widen Interstate 5 to add high occupancy vehicle and mixed-flow lanes. Authorizes condemnation of land in fee for a State highway, a temporary easement for construction purposes, and land in fee which is a remnant and would be of little market value. Located in the city of Santa Fe Springs at 11246 Mondon Avenue. Assessor's Parcel Number (APN) 8017-015-051.

C-20868 - Yvonne Diaz

07-LA-10-PM 31.3 - Parcel 79794-1, 2, 01-01 - EA 245409.

RWC Date: 05/17/11; RTL Date: 08/12/11 (Design Build - under construction).

Freeway - interchange improvements. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a temporary easement for construction purposes, and land in fee which is a remnant and would be of little market value. Located in the city of Baldwin Park at 12770 and 12772 Dalewood Street. APN 8564-002-035.

C-20878 - Elisenal LLC, a Delaware limited liability company, et al.

08-SBd-10-PM 26.18 - Parcel 21749-1, 2, 3 - EA 448129.

RWC Date: 07/01/13; RTL Date: 08/01/13. Freeway - Reconstruct interchange at Interstate 10 (I-10) and Tippecanoe Avenue. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a temporary easement for construction purposes, and a permanent easement for public signs and utility purposes to be conveyed to the City of San Bernardino. Located in the city of San Bernardino at 1055 Harriman Place. APN 0281-401-08.

C-20879 - Citimortgage Inc., et al.

08-SBd-10-PM 26.41 - Parcel 21782-1, 01-01 - EA 448129.

RWC Date: 07/01/13; RTL Date: 08/01/13. Freeway - Reconstruct interchange at I-10 and Tippecanoe Avenue. Authorizes condemnation of land in fee for a State highway and land in fee which is a remnant and would be of little market value. Located in the city of San Bernardino at 1223 East Laurelwood Drive. APN 0281-152-08.

C-20880 - Randolph Ngo, an unmarried man

08-SBd-10-PM 26.50 - Parcel 21795-1 - EA 448129.

RWC Date: 07/01/13; RTL Date: 08/01/13. Freeway - Reconstruct interchange at I-10 and Tippecanoe Avenue. Authorizes condemnation of land in fee for a State highway. Located in the city of San Bernardino at 1294 East Rosewood Drive. APN 0281-152-23.

C-20881 - James W. Hargrove and Joyce Hargrove

08-SBd-247-PM 8.14 - Parcel 21863-1 - EA 0F6609.

RWC Date: 09/06/13; RTL Date: 09/20/13. Conventional highway - widening to construct shoulders. Authorizes condemnation of land in fee for a State highway. Located near the town of Yucca Valley at 1123 Old Woman Springs Road. APN 0629-161-04.

C-20882 - Suzzann Macleod

08-SBd-247-PM 8.28 - Parcel 21869-1 - EA 0F6609.

RWC Date: 09/06/13; RTL Date: 09/20/13. Conventional highway - widening to construct shoulders. Authorizes condemnation of land in fee for a State highway. Located near the town of Yucca Valley at 1101 Old Woman Springs Road. APN 0629-161-05.

C-20883 - Doug W. Johnson, Inc. et al.

10-SJ-4-PM 15.1 - Parcel 16428-1; 16428-01-01 - EA 0S1109.

RWC Date: 01/01/13; RTL Date: 02/01/13. Freeway - extend freeway from west end of State Route 4 (SR4) to Navy Drive. Authorizes condemnation of land in fee for a State highway and excess land in fee to which the owner has consented. Located in the city of Stockton at 640 and 644 South Del Norte Avenue. APN 145-090-16.

C-20884 - Deutsche Bank National Trust Company.

10-SJ-4-PM 15.2 - Parcel 16453-1 - EA 0S1109.

RWC Date: 01/01/13; RTL Date: 02/01/13. Freeway - extend freeway from west end of SR4 to Navy Drive. Authorizes condemnation of land in fee for a State highway. Located in the unincorporated area of Stockton at 1736 West Hazelton Avenue. APN 145-150-04.

C-20885 - The Bank of New York Mellon

10-SJ-4-PM 15.1 - Parcel 16461-1, 2 - EA 0S1109.

RWC Date: 01/01/13; RTL Date: 02/01/13. Freeway - extend freeway from west end of SR4 to Navy Drive. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, and a temporary easement for highway construction. Located in the city of Stockton at 631 South Los Angeles Avenue. APN 145-090-15.

C-20886- Pedro Rodriguez and Catalina Rodriguez

10-SJ-4-PM 15.1 - Parcel 16463-1, 2 - EA 0S1109.

RWC Date: 01/01/13; RTL Date: 02/01/13. Freeway - extend freeway from west end of SR4 to Navy Drive. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, and a temporary easement for highway construction and the removal of improvements. Located in the city of Stockton at 1821 West Scotts Avenue. APN 145-090-23.

C-20887 - Cheryl B. Kirk and Kimberly A. Petroni, Co-Trustees

10-Sta-132-PM 27.7 - Parcel 16042-1A, 1B - EA 0N1809.

RWC Date: 11/15/12; RTL Date: 01/16/13. Conventional highway - construct left turn pocket. Authorizes condemnation of land in fee for a State highway, and underlying fee. Located in the city of Waterford at 12304 Yosemite Boulevard. APN 080-063-005.

C-20888 - John J. Casey, Jr. and Bianca Casey

10-Sta-132-PM 27.7 - Parcel 16043-1A, 1B - EA 0N1809.

RWC Date: 11/15/12; RTL Date: 01/16/13. Conventional highway - construct left turn pocket. Authorizes condemnation of land in fee for a State highway, and underlying fee. Located in the city of Waterford at 12308 Yosemite Boulevard. APN 080-063-006.

C-20889 - K. Krishnamoorthi and Soma Krishnamoorthi, Trustees

10-Sta-132-PM 27.7 - Parcel 16044-1A, 1B - EA 0N1809.

RWC Date: 11/15/12; RTL Date: 01/16/13. Conventional highway - construct left turn pocket. Authorizes condemnation of land in fee for a State highway, and underlying fee. Located in the city of Waterford at 12316 Yosemite Boulevard. APN 080-063-007.

C-20890 - Joyce Marie Rorabaugh, Trustee

10-Sta-132-PM 27.7 - Parcel 16045-1A, 1B - EA 0N1809.

RWC Date: 11/15/12; RTL Date: 01/16/13. Conventional highway - construct left turn pocket. Authorizes condemnation of land in fee for a State highway, and underlying fee. Located in the city of Waterford at the southeast corner of Yosemite Boulevard and Center Street. APN 080-063-008.